

### **CLAIM AMENDMENTS**

This listing of claims replaces all prior versions and listings of claims in the application:

1. **(Original)** A composition comprising
  - (a) an antimicrobial material; and
  - (b) an extract obtained from or obtainable from a plant of the Labiatae family, wherein (a) and (b) are different wherein the composition contains phenolic diterpenes in an amount of greater than 1.0 wt. %, based on the composition, and wherein when the antimicrobial material consists of nisin, the composition comprises carvacrol in an amount of less than 0.075 wt. % based on the composition and carvone in an amount of less than 15 wt. % based on the composition.
2. **(Original)** A composition according to claim 1 wherein the composition comprises carvacrol in an amount of less than 0.075 wt. % based on the composition.
3. **(Currently Amended)** A composition according to claim [[1 or]] 2 wherein the composition comprises carvacrol in an amount of less than 0.04 wt. % based on the composition.
4. **(Currently Amended)** A composition according to claim [[1, 2 or]] 3 wherein the composition comprises carvacrol in an amount of less than 0.02 wt. % based on the composition.
5. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 1 wherein the composition comprises carvone in an amount of less than 0.075 wt. % based on the composition.
6. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 5 wherein the composition comprises carvone in an amount of less than 0.04 wt. % based on the composition.
7. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 6

wherein the composition comprises carvone in an amount of less than 0.02 wt. % based on the composition.

8. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 1 wherein the composition comprises thymol in an amount of less than 0.1 wt. % based on the composition.

9. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 8 wherein the composition comprises thymol in an amount of less than 0.075 wt. % based on the composition.

10. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 9 wherein the composition comprises thymol in an amount of less than 0.05 wt. % based on the composition.

11. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 1 wherein the antimicrobial material is a bacteriocin.

12. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 11 wherein the bacteriocin is selected from lanthionine containing bacteriocins, Lactococcus-derived bacteriocins, Streptococcus-derived bacteriocins, Pediococcus-derived bacteriocins, Lactobacillus-derived bacteriocins, Carnobacterium-derived bacteriocins, Leuconostoc-derived bacteriocins, Enterococcus-derived bacteriocins and mixtures thereof

13. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 11 wherein the bacteriocin is at least nisin.

14. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 1 wherein the extract is obtained from a plant of the Labiatae family.

15. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 14 wherein the plant of the Labiatae family is selected from rosemary, sage, oregano, marjoram, mint, balm, savoury, and thyme.
16. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 15 wherein the plant of the Labiatae family is selected from rosemary, sage, oregano, marjoram, mint, balm, and savoury.
17. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 16 wherein the plant of the Labiatae family is rosemary.
18. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 1 wherein the composition contains phenolic diterpenes in an amount of is greater than 2.0 wt. %, based on the composition.
19. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 18 wherein the composition contains phenolic diterpenes in an amount of is greater than 3.0 wt. %, based on the composition.
20. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 19 wherein the composition contains phenolic diterpenes in an amount of is greater than 3.5 wt. %, based on the composition.
21. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 18 wherein the phenolic diterpene is selected from carnosic acid, carnosol, methylcarnosic acid and mixtures thereof.
22. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 1 wherein the extract comprises or is selected from phenolic diterpenes, phenolic triterpenes and rosmarinic acid.

23. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 22 wherein the extract comprises a phenolic triterpene.
24. **(Currently Amended)** A composition according to claim ~~[[17]]~~ 23 wherein the amount of phenolic triterpenes, based on the composition, is greater than 3.5 wt. %.
25. **(Currently Amended)** A composition according to claim ~~16, 17 or 18~~ 24 wherein the phenolic triterpene is selected from betulinic acid, oleanolic acid, and ursolic acid.
26. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 22 wherein the extract comprises a rosmarinic acid.
27. **(Currently Amended)** A composition according to claim ~~[[20]]~~ 26 wherein the amount of rosmarinic acid, based on the composition, is greater than 3.5 wt. %.
28. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 22 wherein the combined amount of phenolic diterpenes, phenolic triterpenes and rosmarinic acid, based on the composition, is greater than 3.5 wt. %.
29. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 21 wherein the extract contains flavour-inducing compounds and/or essential oils in an amount of less than 1 wt. % based on the composition.
30. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 29 wherein the extract contains essential oils in an amount of less than 1 wt. % based on the composition.
31. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 1 wherein the antimicrobial material and/or the extract are present in an amount to provide a

microbicidal or microbiostatic effect.

32. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 31 wherein the antimicrobial material and the extract are present in an amount to provide a microbicidal or microbiostatic effect.

33. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 32 wherein the antimicrobial material and the extract are present in an amount to provide a microbicidal or microbiostatic synergistic effect.

34. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 33 wherein the antimicrobial material and the extract are present in an amount to provide a microbicidal synergistic effect.

35. **(Currently Amended)** A composition according to ~~any one of claims 31 to 34~~ claim 31 wherein the microbicidal or microbiostatic effect is a bactericidal or bacteriostatic effect.

36. **(Original)** A composition according to claim 35 wherein the bactericidal or bacteriostatic effect is in respect of Gram-positive bacteria.

37. **(Original)** A composition according to claim 36 wherein the bactericidal or bacteriostatic effect is in respect of an organism selected from species of Bacillus, species of Clostridium, Listeria monocytogenes, lactic acid bacteria, and Lactobacillus species.

38. **(Currently Amended)** A composition according to ~~any one of claims 35 to 37~~ claim 37 wherein the bactericidal or bacteriostatic effect is in respect of Listeria monocytogenes.

39. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 1 wherein the composition is a foodstuff.

40. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 1 wherein the composition is a protectant composition suitable for addition to a foodstuff.

41. **(Currently Amended)** A composition according to claim 39 or 40 wherein the foodstuff is selected from raw meat, cooked meat, raw poultry products, cooked poultry products, raw seafood products, cooked seafood products, ready to eat meals, pasta sauces, pasteurised soups, mayonnaise, salad dressings, oil-in-water emulsions, margarines, low fat spreads, water-in-oil emulsions, dairy products, cheese spreads, processed cheese, dairy desserts, flavoured milks, cream, fermented milk products, cheese, butter, condensed milk products, ice cream mixes, soya products, pasteurised liquid egg, bakery products, confectionery products, fruit products, and foods with fat-based or water-containing fillings.

42. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 1 wherein the composition further comprises an emulsifier.

43. **(Original)** A composition according to claim 42 wherein the emulsifier is selected from polysorbates, monoglycerides, diglycerides, acetic acid esters of mono-diglycerides, tartaric acid esters of mono-diglycerides and citric acid esters of mono-diglycerides.

44. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 1 wherein the composition further comprises a chelator.

45. **(Original)** A composition according to claim 44 wherein the chelator is selected from EDTA, citric acid, monophosphates, diphosphates, triphosphates and polyphosphates.

46. **(Currently Amended)** A composition according to claim 44 ~~or 45~~ wherein the chelator enhances the antimicrobial activity and/or antimicrobial spectrum of the antimicrobial material.

47. **(Currently Amended)** A composition according to claim 44, ~~45 or 46~~ wherein the chelator enhances the antimicrobial activity and/or antimicrobial spectrum of the antimicrobial material in

respect of Gram-negative bacteria.

48. **(Currently Amended)** A composition according to ~~any one of the preceding claims~~ claim 1 wherein the composition further comprises a lytic enzyme.

49. **(Original)** A composition according to claim 48 wherein the lytic enzyme is a lysozyme.

50. **(Original)** A composition according to claim 1 comprising (a) an antimicrobial material, wherein the antimicrobial material is nisin; and (b) an extract obtained from a plant of the Labiatae family, wherein the extract is a phenolic triterpene selected from betulinic acid, oleanolic acid or ursolic acid wherein the antimicrobial material and the extract are present in an amount to provide a bactericidal or bacteriostatic synergistic effect.

51. **(Original)** A composition according to claim 1 comprising (a) an antimicrobial material, wherein the antimicrobial material is nisin; and (b) an extract obtained from a plant of the Labiatae family, wherein the extract is rosmarinic acid, wherein the antimicrobial material and the extract are present in an amount to provide a bactericidal or bacteriostatic synergistic effect.

Claims 52-58. **(Cancelled)**

59. **(Currently Amended)** Use of (a) an antimicrobial material; and b) an extract obtained from or obtainable from a plant of the Labiatae family, for preventing and/or inhibiting the growth of, and/or killing a micro-organism in a material; wherein (a) and (b) are contacted with the material; wherein (a) and (b) are different; wherein the composition contains phenolic diterpenes in an amount of greater than 1.0 wt. %, based on the composition, and wherein when the antimicrobial material consists of nisin, the composition comprises carvacrol in an amount of less than 0.075 wt. % based on the composition and carvone in an amount of less than 15 wt. % based on the composition.

60. **(Original)** Use according to claim 59 wherein the material is a foodstuff.

61. **(Original)** Use according to claim 59 or 60 for synergistically preventing and/or inhibiting the growth of, and/or killing a micro-organism in a material.

62. **(Currently Amended)** Use of (a) an antimicrobial material; and (b) an extract obtained from or obtainable from a plant of the Labiatae family, for synergistically preventing and/or inhibiting the growth of, and/or killing a micro-organism in a material; wherein (a) and (b) are contacted with the material; wherein (a) and (b) are different; wherein the composition contains phenolic diterpenes in an amount of greater than 1.0 wt. %, based on the composition, and wherein when the antimicrobial material consists of nisin, the composition comprises carvacrol in an amount of less than 0.075 wt. % based on the composition and carvone in an amount of less than 15 wt. % based on the composition; wherein the material is a foodstuff; according to any one of claims 59 to 61 characterised by the features of any one of claims 2 to 51.

63. A kit for preparing a composition as defined in any one of claims 1 to 51, the kit comprising (a) an antimicrobial material; and (b) an extract obtained from or obtainable from a plant of the Labiatae family, wherein (a) and (b) are different in separate packages or containers; optionally with instructions for admixture and/or contacting and/or use.

Claims 64-67. **(Cancelled)**